



Commonwealth  
of Massachusetts

*OCPF Online*  
*www.mass.gov/ocpf*  
*Office of Campaign and Political Finance*  
*One Ashburton Place, Room 411*  
*Boston, MA 02108*

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Advisory Opinion

November 17, 2004  
AO-04-18

David Rodrigues  
15 Wheatland Street #2  
Somerville, MA 02145

Re: Political activities of public employee

Dear Mr. Rodrigues:

This letter is in response to your November 4, 2004 request for guidance regarding the extent to which M.G.L. c. 55, § 13 prohibits a public employee from engaging in political fundraising.

You have stated that you are a consultant for the political committee organized on behalf of Senator Jarrett Barrios (the Committee), and in that capacity you are paid from time to time on an hourly basis for a range of tasks performed on behalf of the Committee, and in furtherance of the current and future campaign objectives of the candidate.

You have been offered part-time employment in the State House office of Senator Barrios. In that position, you will perform scheduling and related office management tasks. You will perform absolutely no campaign-related activities during the time you are working at the State House for Senator Barrios.

Your letter is submitted to obtain guidance regarding how your new state employment will restrict your campaign activities engaged in on your own time.

QUESTION

As a privately hired consultant who is also a compensated public employee, may you continue to be involved in the following activities on behalf of the Committee?

- o Preparing campaign finance reports, including transporting data electronically as part of the preparation of reports, and collecting and transporting financial data regarding supporters to the campaign database and treasurer.
- o Printing lists of names and labels for events, including fundraising events.

- o Database entry and database maintenance for the campaign, including fundraising related data entry.
- o Dropping off and picking up fundraising invitations, as well as stuffing, sealing and stamping these invitations.
- o Printing and mailing thank you notes, including fundraising thank you notes.
- o Setting up for fundraisers, including coordinating volunteers to staff events, hanging signs and filling balloons, and greeting guests and volunteers.
- o Various other clerical tasks including coordinating with supporters and event sites the scheduling of the time, date and place of events, including fundraising events.

#### ANSWER

You may not coordinate volunteers to staff fundraising events or greet guests and volunteers on behalf of the Committee or the candidate at fundraising events. You may, however, perform the other listed activities since they do not constitute soliciting or receiving money or other things of value.

#### DISCUSSION

Section 13 of the campaign finance law states that “no person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive” money or anything of value for a political purpose. This provision of the campaign finance law, in combination with several others, reflects the goal of “assuring the fairness and appearance of fairness in the electoral process” by removing non-elective public employees from political fundraising. See Anderson v. City of Boston, 476 Mass. 178, 186-193 (1978).

The office has stated that to ensure compliance with Section 13, public employees should not engage in activities that would lead a reasonable person to conclude that the public employee is or may be soliciting funds for a political purpose. See AO-93-10, in which the office defined “indirect” solicitation or receipt by stating that “what the public employee can not do directly (ask a friend for a contribution) can not be done in a ‘roundabout’ or indirect manner (help someone else to ask the employee’s friend).”

The office has stated that a public employee should refrain from any activity that indicates support “in a material way for the fundraising efforts of a candidate or political committee.” See AO-93-10. Therefore, the office has stated that public employees may not:

- o Serve as treasurers of political committees;
- o Solicit or collect political contributions;
- o Host political fundraisers;
- o Sell tickets to or collect money for a political fundraiser;
- o Allow their names to be used to endorse candidates or ask for contributions in fundraising materials;
- o Allow their names, or their anticipated appearance at a fundraiser, to be used as a draw to collect contributions or sell tickets to that fundraiser; or
- o Help identify people to be targeted for fundraising, including people who might volunteer to work on fundraising.

On the other hand, however, public employees, on their own time, may choose to assist campaigns or political committees by doing clerical work, making non-fundraising calls, or serving as a member of a political committee in any non-fundraising capacity. Public employees may also contribute to candidates, attend fundraisers, hold signs urging a vote for a candidate, or help committees or candidates in other ways that do not involve the public employees in any material way in fundraising. See IB-92-01.

Regarding your specific questions, the office has previously stated that public employees may assist campaigns by entering and processing financial data, and by completing campaign finance reports. See AO-88-25. Public employees may also attend fundraisers, provided they are not involved in soliciting or collecting funds at the event. See AO-90-28. In addition, public employees may set up for fundraisers by inflating balloons, hanging signs and doing similar work. See AO-04-16.

Most of the activities described in your letter can be characterized as “clerical,” and therefore may be performed by you on your own time. Coordinating volunteers at fundraising events or greeting guests and volunteers at such events would, however, involve more than clerical work on your part. Section 13 prohibits asking persons to provide *anything of value* for a political purpose. Asking persons to staff fundraising events, or coordinating volunteers’ participation in such events, would not comply with Section 13 because either activity would involve asking persons to perform certain tasks to support a candidate’s fundraising event. In addition, publicly coordinating volunteers or greeting guests and volunteers on behalf of the Committee or the candidate would require you to personally play a visible role in fundraising events and would reflect a level of material involvement in the candidate’s fundraising activities that would not be consistent with Section 13.

Although you may undertake the activities described above for the candidate, you will need to exercise caution to avoid being involved in the candidate’s political campaign during the hours in which you are working as a public employee. In addition to ensuring that your campaign-related activities take place only on your own time, you must also avoid any use of governmental resources, e.g., the computers in the Senator’s State House office, in connection with campaign activities. See Anderson and IB-91-01.

Please note that this opinion is issued solely within the context of the campaign finance law based on the representations made in your letter. I encourage you to contact us in the future if you have further questions regarding this or any aspect of the campaign finance law.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan". The signature is written in dark ink and is positioned to the left of a vertical line.

Michael J. Sullivan  
Director

MJS:gb